

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER 15  
 )  
PANTECH CO., LTD., ) CASE NO. 14-70482 - MHM  
 )  
Debtor. )

**ORDER GRANTING RECOGNITION AND RELIEF  
IN AID OF A FOREIGN MAIN PROCEEDING**

Petitioner Joonwoo Lee (“Petitioner”) filed this Chapter 15 case on behalf of Debtor Pantech Co., Ltd. (“Debtor”) on October 16, 2014. Petitioner seeks recognition of the Debtor’s proceeding under the Republic of Korea’s Debtor Rehabilitation and Bankruptcy Act (“DRBA”) pending before the Third Bankruptcy Division of the Seoul Central District Court (the “Korean Proceeding”).

Pursuant to 11 U.S.C. § 1515 and Fed. R. Bankr. P. 1007(4), Petitioner has caused to be filed the requisite application for recognition (the “Application”) and all other documents required to seek recognition of the Korean Proceeding under Chapter 15. The Court held a hearing on the Application on December 17, 2014, pursuant to an Order and Notice entered on October 29, 2014, and subsequently amended on November 4, 2014.

Upon consideration of the Application, all pleadings, exhibits, and other documents filed with the Court, and the evidence and argument presented at the hearing, the Court finds the Petitioner has shown that (1) this Court has jurisdiction over this

matter pursuant to 28 U.S.C. §§ 157 and 1334; (2) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(P); (3) venue is proper in this District pursuant to 28 U.S.C. § 1410; (4) Debtor is subject to a pending foreign proceeding within the meaning of 11 U.S.C. § 101(23); (5) Debtor is subject to a pending foreign main proceeding within the meaning of 11 U.S.C. § 1502(4); and (6) Petitioner is the duly appointed foreign representative of the Debtor within the meaning of 11 U.S.C. § 101(24).

On December 17, 2014, Debtor filed a *Verification of Supplemental Creditor Matrix*, listing creditors not provided on Debtor's original creditor matrix. Because IPR Licensing, Inc., InterDigital Patent Holdings, Inc., and Tela Innovations, Inc. did not receive proper notice of the hearing on the Application, the relief granted in this order shall be subject to the objection of those parties. Accordingly, it is hereby

**ORDERED** that the Korean Proceeding respecting Debtor is **granted** recognition pursuant to 11 U.S.C. § 1517(a). It is further

**ORDERED** that the Korean Proceeding respecting Debtor is **granted** recognition as a foreign main proceeding pursuant to 11 U.S.C. § 1517(b)(1). It is further

**ORDERED** that all relief afforded a debtor in a foreign main proceeding pursuant to 11 U.S.C. § 1520 is granted to Debtor. It is further

**ORDERED** that the automatic stay of 11 U.S.C. § 362 shall apply with respect to Debtor and the property of Debtor that is within the territorial jurisdiction of the United

States unless the Court terminates, annuls, modifies or conditions the stay on motion of a party in interest filed pursuant to that section of the Bankruptcy Code. It is further

ORDERED that 11 U.S.C. § 361 also shall apply with respect to Debtor and the property of Debtor that is within the territorial jurisdiction of the United States. It is further

ORDERED that 11 U.S.C. §§ 363, 549, and 552 shall apply to a transfer of an interest of Debtor in property that is within the territorial jurisdiction of the United States. It is further

ORDERED that Petitioner is recognized as the foreign representative of Debtor. It is further

ORDERED that, in his capacity as foreign representative, Petitioner may operate Debtor's business and may exercise the rights and powers of a trustee under and to the extent provided by 11 U.S.C. §§ 363 and 552; provided, however, that unless otherwise approved by this Court after proper notice and a hearing, the Petitioner shall not transfer any assets or other interests owned or held by Debtor within the United States outside the territorial jurisdiction of the United States. It is further

ORDERED that 11 U.S.C. § 552 shall apply to property of Debtor that is within the territorial jurisdiction of the United States. It is further

ORDERED that all other and further relief requested in the Application is *denied* without prejudice to the right of the Petitioner or Debtor to seek such relief by

subsequently filing a motion or adversary proceeding with the Court, as appropriate. It is further

**ORDERED and NOTICE IS HEREBY GIVEN** that if IPR Licensing, Inc., Interdigital Patent Holdings, Inc., or Tela Innovations, Inc. object to the relief granted in this Order, such entity must file a written objection, stating the grounds therefor, on or before the close of business on or before January 8, 2015, with the

Clerk, U.S. Bankruptcy Court  
1340 U.S. Courthouse  
75 Spring Street, S.W.  
Atlanta, Georgia 30303-3367

and must serve a copy of said objection so that such written objection is transmitted or postmarked on or before January 8, 2015, upon Debtor's attorney

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If any objection is filed and served as set forth above, hearing on the Application will be reset by separate order and notice. Any objection not timely filed and served as set forth above shall be deemed waived. It is further

**ORDERED** that, promptly after entry of this Order and Notice, within the time specified by local rules and the Bankruptcy Code, Debtor shall serve a copy of this Order

and Notice upon the U.S. Trustee and all creditors and parties in interest, and shall file a certificate of such service within three days thereafter.

IT IS SO ORDERED, this 17<sup>th</sup> day of December, 2014.

  
HONORABLE MARGARET H. MURPHY  
UNITED STATES BANKRUPTCY JUDGE

Draft prepared and presented by:

/s/  
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